

Notice of Allowability	Application No.		Applicant(s)	
	10/661,396		HEDRICK ET AL.	
	Examiner		Art Unit	
	Alex P. Rada		3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to RCE filed 29 May 2007.
2. ☒ The allowed claim(s) is/are 1-40 and 63-68.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| <ol style="list-style-type: none"> 1. <input type="checkbox"/> Notice of References Cited (PTO-892) 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | <ol style="list-style-type: none"> 5. <input type="checkbox"/> Notice of Informal Patent Application 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ 7. <input type="checkbox"/> Examiner's Amendment/Comment 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance 9. <input type="checkbox"/> Other _____ |
|---|--|

DETAILED ACTION

Response to Amendment

In response to the amendment filed May 29, 2007 wherein applicant amends claims 1, 12, 63 and 64, withdraw claims 41-62 and claims 1-40 and 63-68 are pending in this application.

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Adam H. Masia Reg. No. 35,602 on August 6, 2007.

The application has been amended as follows:

Please cancel claims 41-62.

The Examiner's amendment was authorized by Applicant's representative to place the case in condition for allowance.

Allowable Subject Matter

The following is an examiner's statement of reasons for allowance: The prior art does not disclose nor teach according to claims 1, 12, 21, 36, 63-66 and 68 a gaming device comprising: a cabinet, a game operable upon a wager; a processor operable to control the game; and a switch connected extendably and retractably to the cabinet, the switch having a relatively rigid housing

Art Unit: 3714

defining a U-shaped cavity therein and a relatively elastomeric cover substantially disposed in the U-shaped cavity of the housing, the switch including at least one button that is operable with the processor to control a function of the game and movable independent of the relatively elastomeric cover; an extendible switch connected to the cabinet having a first co-molded material adhered to multiple surfaces of the second co-molded material in a substantially surrounding relationship with a portion of the cord; the extendible switch is positioned in substantially the same plane as the at least one button of the cabinet when the switch and core are moved into the retracted position; and the extendible switch and core are moved into the fully retracted position directly adjacent to the at least one operational button. The closest prior to Cordell and Takano disclose a gaming device with a retractable remote controller having a panel of buttons, which represent the buttons upon the gaming machine and the controller is extendable and retractable upon insertion of a coin to start the gaming device. Cordell and Takano fail to disclose the switch having a relatively rigid housing defining a U-shaped cavity therein and a relatively elastomeric cover substantially disposed in the U-shaped cavity of the housing, the switch including at least one button that is operable with the processor to control a function of the game and movable independent of the relatively elastomeric cover; an extendible switch connected to the cabinet having a first co-molded material adhered to multiple surfaces of the second co-molded material in a substantially surrounding relationship with a portion of the cord; the extendible switch is positioned in substantially the same plane as the at least one button of the cabinet when the switch and core are moved into the retracted position; and the extendible switch and core are moved into the fully retracted position directly adjacent to the at least one operational button.

Art Unit: 3714


Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alex P. Rada whose telephone number is 571-272-4452. The examiner can normally be reached on Monday - Friday, 08:00-16:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on 571-272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Robert E. Pezzuto
Supervisory Patent Examiner
Art Unit 3714


APR